PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

<table>
<tr>
<td>To:

see form PCT/ISA/220

</td>
<td># PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43<i>bis</i>.1)</td>
</tr>
</table>

	Date of mailing *(day/month/year)* see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220	**FOR FURTHER ACTION** See paragraph 2 below

International application No. PCT/GB2004/002912	International filing date *(day/month/year)* 02.07.2004	Priority date *(day/month/year)* 02.07.2003

International Patent Classification (IPC) or both national classification and IPC
G06F9/46, G06F1/32

Applicant
SYMBIAN SOFTWARE LIMITED

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1. This opinion contains indications relating to the following items:

    ☒ Box No. I   Basis of the opinion

    ☒ Box No. II   Priority

    ☐ Box No. III   Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

    ☐ Box No. IV   Lack of unity of invention

    ☒ Box No. V   Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

    ☐ Box No. VI   Certain documents cited

    ☐ Box No. VII   Certain defects in the international application

    ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

    If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

    If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

    For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Kusnierczak, P Telephone No. +31 70 340-3572

<u>**Box No. I   Basis of the opinion**</u>

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was field, unless otherwise indicated under this item.

    ☐   This opinion has been established on the basis of a translation from the original language into the following language   , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

    a. type of material: .

        ☐   a sequence listing

        ☐   table(s) related to the sequence listing

    b. format of material:

        ☐   in written format

        ☐   in computer readable form

    c. time of filing/furnishing:

        ☐   contained in the international application as filed.

        ☐   filed together with the international application in computer readable form.

        ☐   furnished subsequently to this Authority for the purposes of search.

3. ☐   In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

Box No. II   Priority

1. ☒   The following document has not been furnished:

☒   copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐   translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐   This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V   Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-14
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-14
Industrial applicability (IA)	Yes:	Claims	1-14
	No:	Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1   The following document is referred to in this communication:

D1:   HASSLER V ET AL: "Controlling applets' behavior in a browser"
COMPUTER SECURITY APPLICATIONS CONFERENCE, 1998.
PROCEEDINGS. 14TH ANNUAL PHOENIX, AZ, USA 7-11 DEC. 1998, LOS
ALAMITOS, CA, USA,IEEE COMPUT. SOC, US, 7 December 1998 (1998-
12-07), pages 120-125, XP010318612 ISBN: 0-8186-8789-4

D2:   "RwsSession in Window Server" [Online] 2002, SYMBIAN , XP002306026
Retrieved from the Internet: URL:http://www.symbian.com/developer/techl
ib/v70docs/sdl_v7.0/doc_source/reference/cpp/WindowServerClientSide/RW
sSessionClass. html>

2   The present application does not meet the criteria of Article 33(1) PCT, because
the subject-matter of **claims 1-14** does not involve an inventive step in the sense
of Article 33(3) PCT.

INDEPENDENT CLAIM 1

2.1 Document D1, which is considered to represent the most relevant state of the art,
discloses (the references in parentheses applying to this document):

a method of enabling a multitasking computing device to preserve system
resources (page 120, left-hand column, lines 27-28), comprising the steps of
preventing an untrusted application (*misbehaving thread*) from running (page 122,
right-hand column, line 43 - page 123, left-hand column, line 7),

from which the subject-matter of claim 1 differs in that it defines determining if an
untrusted application is in the background or foreground.

The problem to be solved by the present invention may therefore be regarded as
how to check whether the currently running application owns a window with
keyboard focus.

Faced with the problem and seeking solution in the appropriate technical field, the
person skilled in the art would consider document D2, in the same field of D1,

namely program execution, which discloses determining if an untrusted application is in the background or foreground (page 5, *ComputeMode* paragraph; page 10, *GetFocusWindowGroup* paragraph), and regard it as normal option to include these features in the method described in document D1 in order to solve the problem posed and, in so doing, the skilled person would arrive, without exercising any inventive effort, at the subject-matter of claim 1.

Thus the subject-matter of **claim 1** does not involve an inventive step in the sense of Article 33(3) PCT.

INDEPENDENT CLAIMS 12 and 14

2.2   The subject-matter of independent **claims 12 and 14** is not inventive either, because it mainly corresponds to that of claim 1, and expressed in computing device and operating system terms, respectively. The objection raised above with respect to claim 1, therefore, also applies mutatis mutandis to independent claims 12 and 14.

DEPENDENT CLAIMS 2-11 and 13

2.3   The additional features of dependent **claims 2-8** are, insofar as not known from the obvious combination of documents D1 and D2 (see passages cited in the search report), routine measures normally to be expected by the person skilled in the art, and are therefore not inventive.

2.4   The additional features of dependent **claims 9-11 and 13** are well-known options for the skilled person, and are therefore not inventive.